

Attorney's Docket No. TN-170

AMENDMENT AFTER EXAMINER WITHDRAWL FROM APPEAL PROCESSING

Serial No. 09/469,904

12/30/2004

REMARKS

The applicant is grateful for the examiner's understanding of the issues presented in the brief on appeal; however, the newly cited art was available prior to the first rejection. Accordingly, the applicant is incurring additional expenses in pursuing this matter that would have been obviated by a recognition of the limitations of the search in the first instance and a new search done at the time of the first Amendment. It is respectfully requested that indication of approval for the reopening of this prosecution be indicated by supervisory examiner as required by MPEP 1208.01 and 1002.02. The justification of continued expenses and effort for prosecution of applications such as this one has become important in maintaining the relationship of the undersigned attorney to his client. Other attorneys within this office have experienced similar withdrawals from appeal for reopening of prosecution to allow for citation of a newly discovered, but not new prior art references. The management of the corporate assignee of these applications is concerned about such activity becoming a costly trend. Accordingly, the request for proof of approval by the supervisory attorney under section 1208.01 and 1002.02 of the MPEP is hereby explicitly made.

The applicant is grateful for the acknowledgement of allowability of some of the claims.

Claim 1 was amended to overcome the objection to a typographic error.

Claims 2, 9, 16, 27 and 38 have been modified responsively to the request for clarification by way of section 112 rejection over the use of the word PORTAL. As the examiner has specified that the definition in the specification was sufficient to understand it, the applicant has brought elements of that definition into the claims. No diminution of the scope of these claims is seen in making this amendment, nor any expansion, thus no new search should be required on the basis of this amendment.

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The applicant respectfully traverses the rejection of claims 1, 2, 5-9, 12-16, 18-22, 26, 27, 29-33, 37, 38, 40 and 42 under section 102(e) over the Fields reference by way of clarifying amendment. Fields does not disclose a master web site that can be produced by the master web site owner with a first level of customization for the web site account holders who, thorough their relationship with the master web site owner have copies of the master web site that such account holders can customize for their users/viewers, wherein each level of customizability is hosted on a server. Instead, Fields teaches the second class of users is an individual user having personal options which he can customize. The second class of users (the client, in the cited column 2 section of Fields), is customizing for display a network file on his own client-side computer. This customization is, if Fields is to be taken for what it teaches, customizing for the client machine type, browser, and client preferences for display modes (col 2, lines 40-67).

This distinction is easy to see if one refers to the use for which the applicant's invention is intended. As mentioned in the Summary, The owner of the master web site may charge for allowing account holders access to and customize their own copies of the master web site the owner provides. Thus, REALCITIES may produce background webpage services for many local newspapers, for example <http://www.twincities.com/mld/twincities/> and www.miami.com or <http://www.montereyherald.com/mld/montereyherald/>. These pages have very similar structure and may be using the applicant's claims. If Real Cities (<http://www.realcities.com/mld/realcities/>) provides a master web portal and provides customizable web portal copies for each of these newspaper entities. (Applicant does not know whether the REALCITIES sites use this method or not. However, Fields is not describing this kind of customizability for the second level. What Fields is describing is the kind of customizability one gets at the second level by using Opera or Firefox or Internet Explorer or Netscape browsers, or one of the mini forms of them for a PDA, each of which draw their data from a single customizable web page hosted on the server side. Using the hypothetical REALCITIES example again, if one of the newspapers hosts its version of the master web pages (on its own or REALCITIES servers) its version may be further customized

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by readers of individual papers by signing up to have certain fields or hyperlinks included that are not on the account holder's (say Miami Herald's) customized version of the REALCITIES master web pages. Thus, for example, I have a subscription to the Wall Street Journal on line edition and when I sign in, my customized page (which appears to be in the nature of a "second level" of customization as that would be understood for the applicant's levels of customization) is handled at the server, bringing up a list of the stocks I watch and links to news articles about them as well as their current prices. The kind of second level of customization that Fields is describing is not server-side customization, rather it is formatting (large font size- Fig. 8 item 232, 248) which is a matter of using the same content on the server side, but formatting it differently in cooperation with the client computer making the request. Thus, the clarification amendment adding 'server-side' or 'on the server' language into the customization element for independent claims 1, 8, 15, 26, and 37 should bring these claims outside the scope of the Fields reference. As discussed with reference to the illustration of Fig. 2, the core engine and database that contains the definition files for the customized web pages are server side system components, thus the modification of the claims is supported by the specification, and again, identified as distinct from Fields.

Respectfully submitted,



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